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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000643

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SUBJECT: KOSOVO: PROGRESS STALLED ON CRITICAL VETTING
PROCESS

Classified By: CDA Alex Laskaris for reasons 1.4 (b) and (d).

11. (C) Summary. Competencies with national security implications are slowly being transferred from UNMIK to the Provisional Institutions of Self Government (PISG), making it critical that the legal framework and implementing mechanisms are in place for the PISG to vet personnel, classify information, and safeguard the security of classified information. While the Transition Working Group on Governance completed its policy paper on vetting in May 2007, the paper was never approved by the government and the process subsequently has stalled. At a key meeting on September 4, the International Civilian Office (ICO) planning team will request that UNMIK jumpstart the process by taking the lead on drafting a classified information law and other measures, which will be a first critical step. Given the lack of PISG experience with security and vetting issues, the international community will need both to assist and pressure the PISG to move this essential process forward in the timeframe required. End summary.

12. (C) Screening and vetting of government personnel in Kosovo has been a reserved competency of UNMIK. In 2004 the Kosovo Police Service (KPS) began for the first time to train its personnel in background investigations. To date, outside of the KPS only Department Director level personnel and above in the PISG are given cursory screenings by UNMIK. In addition, there is no basic verification system in place for civil servant applicants. As new Ministries have been stood up or expanded, new staff have often been recruited based on ties of loyalty to higher level officials rather than qualifications or suitability for the position. There have been several cases where the lack of screening has had serious consequences, most notably in the case of the attempted assassination of Kosovo Telecommunications Authority head Anton Berisha earlier this year, where two of the four people arrested in connection with the case were active Ministry of Internal Affairs employees. Given the anticipated responsibilities and sensitivity of the data controlled by this Ministry, including control of the Central Civil Registry, and immigration, asylum, and citizenship decisions, having qualified and trustworthy personnel is critical to both the national security of Kosovo and

counter-terrorism interests of the United States.

13. (SBU) Recognizing the need to implement comprehensive vetting procedures, the Transition Working Group (WG) on Governance approved and submitted to the Prime Minister a policy paper on vetting in May 2007. The paper laid out several findings on the state of screening and vetting of government personnel in Kosovo and made some recommendations. It found that: 1) a basic verification system is lacking in the hiring procedures of the Kosovo Civil Service and must be instituted; 2) the Senior Public Appointments Committee lacks a systemic procedure for verifying the integrity of a candidate or the veracity of supporting documentation and should do so; 3) that more advanced background checks and classification of sensitive data must only be done on the basis of a clear and democratic legal framework (which requires legislation and establishment of an independent body to carry out such responsibilities); and 4) that transitional arrangements are necessary since many sensitive positions will require vetting before necessary laws are enacted and an independent body stood up. This WG consisted of members from the Office of the Prime Minister (OPM), relevant ministries, UNMIK Pillar 1, the ICO, and UNMIK Civilian Police.

14. (U) Members of the WG also took a study visit to Slovenia to look at the system that had been put in place there, and discussed the policy questions inherent in setting up a vetting process with the non-governmental organization Geneva Centre for the Democratic Control of Armed Forces (DCAF). In July 2007, DCAF expert Marjan Antoncic, the primary force behind the Slovenian system, held consultations in Kosovo and authored a report that laid out recommendations on next steps. This report was presented to the WG on Security and

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will be tabled at the next meeting of the WG on Governance in September 2007. It has been provided to stakeholders, including Liaison Offices, for comment.

15. (C) The key players in moving the process forward include Frank Neiss, ICO security adviser, Besnik Tahiri, PM adviser and chair of the WG on Governance, Vedat Gashi, PM legal adviser, and Arber Gorani, political adviser to the minister of internal affairs. Beyond this small group, few people within the PISG or the international community in Kosovo either have a background or interest in vetting and information classification and storage procedures. That the policy paper has not been approved six months later by the OPM shows the lack of priority assigned to this issue within the government.

16. (SBU) The DCAF report makes recommendations about outstanding policy decisions and highlights the steps necessary for implementation. The first is legislative; laws on classified information and data protection must be drafted and enacted, and portions of the criminal code and the law on access to official documents must be amended. Second, an independent body must be established to fulfill the responsibilities outlined in the law and oversee implementation. (Comment: There is no clear candidate to head this body, but the ICO as well as the OPM feel that it should be an inter-ministerial body within the OPM. End comment.) The report proposes that the KPS and two still-to-be-created organizations, the Kosovo Security Force and Kosovo Security Agency, carry out the vetting of their respective personnel, with the Ministry of Internal Affairs (MIA) taking responsibility for vetting all other civil service personnel. Other outstanding tasks highlighted in the report include determining which positions require clearances, determining who is entitled to access to classified information by virtue of their appointment, the process and extent to which persons already employed in positions requiring access are vetted and reassigned as necessary, the appeals process, who is entitled to classify information, and how classified information is stored and declassified. In addition, there is the politically

sensitive issue of whether the vetting process should reach back before June 1999, when UNMIK began its administration of Kosovo; the ICO feels strongly that it should not because of the state of records from that era and the potential for manipulation by Serbia.

17. (C) Given the lack of movement by the PISG on these issues, the ICO plans to request at the WG on Security meeting on September 4 that UNMIK take the lead on drafting a law on classified information along with the required amendments to other legislation and the Criminal Code. This is a critical first step to moving forward on vetting and a classification process, since it forms the basis for all other action. This legislation could be subsequently updated as new ministries, such as the Ministry of Foreign Affairs and Ministry of Defense, are stood up under the Ahtisaari plan.

18. (C) Simultaneously, the ICO is adding language requiring screening and vetting for new hires as well as making certain draft laws that establish new ministries mandate a seat on hiring boards for the international community. Since these new ministries would be stood up slowly and in most cases are small even at full strength (the Kosovo Security Council would have around ten people, and the Kosovo Security Agency initially around 20), more stringent hiring processes with checks and balances on final decisions would not be overly burdensome for the benefit it brings to national security. The ICO is also working to ensure that new job offers are contingent on successful attainment of required clearances.

19. (SBU) Once an independent body with responsibilities for vetting and classification is established, Antoncic has expressed willingness to work as an embedded adviser. Both DCAF and NATO's Office of Security Services have offered to assist with training and implementation. However, until

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their Kosovo counterparts are identified, there is little they can do to move the process forward.

110. (C) Comment: Given the national security interests affected by personnel at critical Kosovo government structures, both existing and anticipated, it is essential that vetting processes be put in place for both existing and new employees. Completing the multiple steps required to take Kosovo from where it is today - little capacity to implement any of these procedures - to having a functioning system for vetting personnel and classifying and storing information will be the project of many years. U.S. government resources, both in technical assistance and political pressure, will likely be required to keep things on track. End Comment.

LASKARIS